

UNITED STATES DISTRICT COURT
for the
DISTRICT OF MASSACHUSETTS

_____)	
OLENA OLTAR,)	
Plaintiff)	
)	Civil Action
V.)	
)	No. 04-12594-RGS
KEVIN M. LEARY,)	
Defendant)	
_____)	

PLAINTIFF'S RESPONSE TO DEFENDANT'S REQUEST FOR EXONERATION
FROM OR LIMITATION OF LIABILITY

NOW COMES the Plaintiff, and responds to the Defendant's Request for Exoneration
from or Limitation of Liability as follows:

1. The Plaintiff admits the allegations contained in paragraph 17 in the Defendant's Answer.
2. The Plaintiff denies the allegations contained in paragraph 18 in the Defendant's Answer.
3. The Plaintiff denies the allegations contained in paragraph 19 in the Defendant's Answer.
4. The Plaintiff admits the allegations contained in paragraph 20 in the Defendant's Answer.
5. The Plaintiff denies the allegations contained in paragraph 21 in the Defendant's Answer.
6. The Plaintiff admits the allegations contained in paragraph 22 in the Defendant's Answer.
7. The Plaintiff denies the allegations contained in paragraph 23 in the Defendant's Answer.
8. The Plaintiff denies the allegations contained in paragraph 24 in the Defendant's Answer.
9. The Plaintiff denies the allegations contained in paragraph 25 in the Defendant's Answer.
10. Paragraph 26 sets forth a legal conclusion for which no response is required. To the extent that a response is required, the Plaintiff denies the allegations contained in paragraph 26.
11. Paragraph 27 sets forth a legal conclusion for which no response is required. To the extent that a response is required, the Plaintiff denies the allegations contained in paragraph 27.

12. The Plaintiff denies the allegations contained in paragraph 28 in the Defendant's Answer.
13. The Plaintiff denies the allegations contained in paragraph 29 in the Defendant's Answer.

AFFIRMATIVE DEFENSES

1. The Defendant has failed to comply with the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure.
2. The Defendant's request fails to state a claim upon which relief may be granted.
3. This request was not made within the time required by the applicable statute and rules of limitations.

WHEREFORE, the Plaintiff requests that this Court deny and/or dismiss Defendant's Request for Exoneration from or Limitation of Liability.

THE PLAINTIFF DEMANDS A TRIAL BY JURY ON ALL ISSUES
CONTAINED IN THE ANSWER

Respectfully submitted for the
the Plaintiff, by her attorney,

David J. Berg, Esq.
Latti & Anderson LLP
30-31 Union Wharf
Boston, MA 02109
617-523-1000

CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the within document with the Clerk of the Court using the CM/ECF system which will send notification of such filing(s) to all counsel of record.

/s/ David J. Berg
David J. Berg, Esq.
Latti & Anderson LLP
30-31 Union Wharf
Boston, MA 02109
617-523-1000

Dated: